



# Area 4 Developmental Disabilities Board

236 Georgia Street, Suite 201, Vallejo, CA 94590  
(707) 648-4073 (707) 648-4100 fax ab4@scdd.ca.gov

## Meeting Notice/Agenda

Posted at [www.scdd.ca.gov](http://www.scdd.ca.gov)

### **Area 4 Board Public Meeting**

6:00 pm, Thursday

December 15, 2011

Solano County Office of Education

5100 Business Center Drive

Fairfield, CA 94534

### Agenda

- |           |    |                                                                                                                                                                                                                                                                                       |
|-----------|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6:00 p.m. | A. | CALL TO ORDER & INTRODUCTIONS                                                                                                                                                                                                                                                         |
| 6:02      | B. | ADOPTION OF MINUTES OF 10-20-11                                                                                                                                                                                                                                                       |
| 6:05      | C. | PUBLIC COMMENT<br>Public comment is taken at this time on any matter not on the Agenda.<br>Public comment is also welcome as Agenda Items are discussed, but is limited to two minutes at the discretion of the Chair.                                                                |
|           | D. | ACTION ITEMS:                                                                                                                                                                                                                                                                         |
| 6:10      |    | (1) <b>Election of Officers:</b> The Board will elect a Chair, Vice-Chair, and Secretary for the 2012 calendar year.                                                                                                                                                                  |
| 6:20      |    | (2) <b>Meeting Schedule:</b> The Board will set the schedule for Board and committee meetings for 2012.                                                                                                                                                                               |
| 6:30      |    | (3) <b>Legislative &amp; Public Policy Committee (LPPC):</b> Re-establish the LPPC.                                                                                                                                                                                                   |
| 6:40      |    | (4) <b>State Budget:</b> Discussion/action of potential "trigger cuts" to DDS and IHSS.                                                                                                                                                                                               |
| 6:50      |    | (5) <b>Transition Services:</b> Discussion/action of responsibilities of school districts and regional centers to provide services to transition-aged youth (ages 18 to 22) in light of recent changes to the law that imposed limitations on services regional centers may purchase. |
| 7:15      | E. | <b>PRESENTATION: Early Start Program</b><br>- <i>Michael Jereb, Early Start Unit Supervisor, NBRC, will present and take questions on NBRC's Early Start Program in Solano and Napa counties.</i>                                                                                     |
| 7:45      | F. | REPORTS:<br>(a) North Bay Regional Center, <i>Bob Hamilton</i> , Executive Director, NBRC<br>(b) Board Members                                                                                                                                                                        |
| 8:00 pm   | G. | ADJOURN                                                                                                                                                                                                                                                                               |



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Minutes (unapproved) for  
Area 4 Board Public Meeting  
Thursday, October 20, 2011  
Petaluma Community Center  
320 N. McDowell Blvd.  
Petaluma, CA 94954

CALL TO ORDER AT 6:15 p.m. by Laura Mefford, Chairperson.

Members: Laura Mefford, Vallerie Birdsell, Jeana Eriksen, Martin Weil,  
Maryann Cantone, Virginia Barraza, Tina McLean, Laureen  
McAndrew, Andy Lunceford, Paul Von Gottfried, Max Duley

Members Absent: , Vallerie Birdsell, Kimberly Payne, Jasmine Marks

Staff: Robert Phillips, Cindy Ruder, Tobias Weare

Facilitators: Richard Ruge

Public: Gary Hament, Elaine Weare, Ian Weare, Denise Weare,  
Elias Weare

Approval of Minutes of 6-15-11: M/S/C -. Weil/Barazza - unanimous

Public Comment: Maryann announced that the Tech Expo would be held at the  
fairgrounds on 10/22/11

NBRC REPORT: No report

#### Action Items:

- (1) Amend By-Laws: Martin led the discussion of the amended by-laws. In the discussion, Jeana suggested having a nominating committee which had been removed in the amended by-laws.  
M/S/C to adopt the by-laws as amended. Barraza/Cantone - unanimous  
Jeana requested an annual calendar of meetings. Bob said that a calendar for 2012 will be adopted at the December meeting.  
Suggestion made to post a link to the Lanterman Act on the Area Board 4 website.
- (2) Amend Strategic Plan: Powerpoint presentation made by Bob showing the goals in the State Council's Strategic Plan and Area 4 Board activities that support those goals. Discussion and review occurred on about half the goals with plan to complete review of strategic plan at December board meeting.

(3)NBRC's Performance Plan: no action due to late hour.

**Reports:**

(a) State Council: Max Duley – no report.

(b) Staff:

Tobias reported on AB4 services at Sonoma Developmental Center (SDC). Ross Long is the coordinator of Volunteer Advocacy Services. VAS serves 157 residents. There are 14 volunteer advocates who work a minimum of 4 hours per month with each resident they are matched with. Volunteer advocates are paid \$50/mo. The 14 volunteer advocates work with 1-18 residents. Ross is the advocate for the 55 residents who do not have a volunteer advocate. Tobias is the Clients Rights Advocate at SDC and oversees rights for all residents, informs people of the rights, and handles writ of habeas corpus (requests for release).

(c) Board Members:

Virginia - went to a parent meeting where they discussed a new transitional Kindergarten class.

Laura - she and Virginia went to the National Down Syndrome meeting in Texas in August. On 10/22/11 there'll be a Down Syndrome walk in Sacramento. Laura has been working with a family who has an infant who was diagnosed with Down Syndrome and was not given information or resources.

Andy - trying to help with agencies and people who receive services and their families.

Paul - was contacted by the family of a 21-yr-old who left SCOE, entered SRJC, and his expected support services did not materialize.

Martin - went to the 10/5/11 NBRC board meeting at Sonoma Developmental Center.

Maryann - has been doing trainings on 'Feeling Safe, Being Safe.'

Jeana - is a member of the Paratransit Users Group (PUG) and reported that ridership on MV is fluctuating. Jeana would like board members to go to a PUG meeting.

The meeting adjourned at 8:10 p.m.



## **Agenda Item D1: Election of Officers**

Officers are elected at the last meeting each year. They are nominated and a vote taken by a show of hands and aye and nay. All officers serve for one year and, if re-elected, may serve two consecutive years.

The officers are chairperson, vice-chairperson, and secretary.

### The Chairperson:

- Runs the meetings of the Board and its Executive Committee.
- Is the official spokesperson.
- Appoints members to committees, and the chairpersons of committees.
- The Chairperson must be a person with developmental disabilities or the immediate relative, guardian or conservator of a person with a developmental disability. (Section 7.2)

### The Vice-Chairperson

- Runs meetings when the Chairperson is away.
- Does the Chairperson's other duties when necessary and if the Chair resigns.
- Serves on the Executive Committee.

### The Secretary:

- No specific duties other than to run meetings when both the Chair and Vice-Chair are away.
- Serves on the Executive Committee.

Any member may nominate another member for an office. If the member agrees to being nominated, he or she stands for election with other members nominated for the office.

An open vote is taken, and the process is repeated for each position.

## Agenda Item D2: Meeting Schedule for 2012

At the last meeting each year, the Board adopts a schedule of meetings.

The proposed schedule has Board meetings on the 3<sup>rd</sup> Thursday every other month except August (4<sup>th</sup> Thursday), and December (2<sup>nd</sup> Thursday).

### 2012 Proposed Schedule

Month	Board	Executive Committee	Public Policy & Legislation	Retreat	Regional Self Advocacy
January		19 – Office	19 – Office		26 - Napa
February	16 - Napa				
March		15 - Office	15 – Office		
April	19 - Sonoma				
May		17 - Office	17 – Office		
June	21 - Solano				
July		19 - Office	19 - Office		
August	23 - Napa				
September				22 – Napa	
October	18 - Sonoma				
November		15 – Office	15 - Office		
December	13 - Solano				

## **Agenda Item D3: Public Policy & Legislation Committee (PPLC)**

It is recommended that the Board establish a committee on public policy and legislation.

The Public Policy & Legislation Committee's mandate is to improve public policy that impacts individuals with developmental disabilities. It would do this by –

- staying informed on major policy issues and legislation;
- recommending changes to policies and practices of publicly-funded agencies;
- reviewing, monitoring and suggesting redrafting of legislation;
- Educating individuals with developmental disabilities, their families, service providers, legislators, public officials, and the general public about policies and legislation that may affect persons with developmental disabilities. (For example, the PPLC would lead Board events such as Budget and Legislative forums, and meetings with legislators.)

The PPLC presents its recommendations to the Area Board for action. The Board authorizes the PPLC to take positions on policy and legislation and act timely action is necessary.

A motion needs to be made, seconded and passed to create the PPLC.

Board members willing to serve on the LPPC should state their interest. The Board Chairperson appoints a board member to Chair the PPLC, and persons to serve on it. The Chair may appoint individuals who are not members of the Area Board.



## Agenda Item D4: State Budget

Last spring, Governor Brown proposed a state budget with a balanced approach to closing the \$26 billion deficit. His proposal consisted of two parts, cutting spending and raising more money. He proposed to raise more money by extending or continuing certain taxes that were due to expire in June..

When Republican legislators wouldn't agree, Governor Brown changed his approach and presented another budget. At the time more money (revenue) had come in than had been expected earlier in the year. Governor Brown's budget was optimistic that the additional money would continue to come in, but it had an unusual feature in if it didn't. The budget language said that if the fiscal picture looked poor in mid-December, there would be more spending cuts.

On December 15<sup>th</sup>, the Director of Finance will determine if these additional cuts will happen. The Legislative Analysts' Office reports that new revenue is \$3.7 billion below predictions, so it's likely that \$1 to \$2 billion of cuts could occur.

Two cuts we are concerned about are \$100 million from the Department of Developmental Services (DDS), and a 20% cut in IHSS recipients services.

### \$100 million in cuts to DDS:

The Department of Developmental Services (DDS) has to reduce costs by \$100 million from the developmental disability system. DDS could use any savings and potential increased income toward achieving that savings. If changes to the law are required to achieve savings (for example, prohibitions against purchasing certain services), DDS must go to the Legislature. As the Legislature already agreed to reduce costs by \$100 million, it's likely, but not certain, they would approve. To the extent that DDS does not require changes to the law to achieve the savings, they can

do so on their own. DDS has not announced their plan and probably won't until after December 15<sup>th</sup>.

In-Home Supportive Services: The trigger cut is for a 20% reduction in IHSS recipients' total authorized monthly service hours effective January 1, 2012. Some people will be classified as exempt and not have their service hours cut.

The Department of Social Services (DSS) released a draft All County Letter (ACL) several weeks ago on how the cuts would be implemented, and followed with the actual (that is, non-draft) ACL on November 29, 2011.

On December 1<sup>st</sup>, in response to a lawsuit filed by Disability Rights California and other plaintiffs, a federal judge issued a Temporary Restraining Order (TRO) to stop all actions to implement the 20% cut in service hours. The judge set a hearing for December 15<sup>th</sup> to consider plaintiffs request for a preliminary injunction to block the cuts indefinitely. We don't know how the judge will rule on the injunction. Nor, do we know what appeal will occur and how quickly. But, the lawsuit is good news and likely delays the cuts from taking place on January 2, 2012. If the injunction is granted, the cuts will be delayed further.

Some people will be exempt from the cuts: *"The reduction will not be applied to individuals receiving IHSS who also receive services under one of the State Home and Community Based Services Waivers, including the following: Acquired Immune Deficiency Syndrome (AIDS) Waiver, Home and Community Based Services Waiver for the Developmentally Disabled (HCBS-DD), In-Home Operations (IHO), Multipurpose Senior Services Program (MSSP), and Nursing Facility/Acute Hospital (NF/AH)."* (All County Letter)

We see that the Legislature wrote in some exemptions to shield people with the most severe disabilities. But, the 20% cut is terrible and no one should have their services cut, let alone by 20%, considering they all took a 3.6% cut last February.

It is essential that everyone potentially eligible for an exemption be exempted, and that they not be sent a notice of action (NOA) letter.



Receiving such a letter would cause distress and worry, and must be avoided.

**Comment:**

I have been trying to find out from NBRC how many of their clients who receive IHSS are on the HCBS – DD Waiver, and thus are exempt from the cut to their hours. I understood from communication with NBRC staff that almost all NBRC clients receiving IHSS were either on the waiver, or soon would be. Apparently, I misunderstood, and I've continued to seek information from NBRC to establish clearly who is on the Waiver. E-mail communication from Bob Hamilton is that NBRC is working to identify clients receiving IHSS who are not on the waiver and get them onto the waiver. And, to get their data to DDS and to DSS to ensure these clients don't receive notices of action to cut their services.

It is important that people who will be exempt are spared needless anxiety and distress.

At the Area Board meeting, you will hear latest information on whether,

- the "trigger" is pulled on the DDS and IHSS cuts, and if so, how DDS will make up the \$100 million in savings.
- an injunction is granted stopping the cuts
- NBRC succeeds in getting all its clients receiving IHSS onto the Waiver, and if NBRC is able to send its data to DDS and onto DSS so that these clients do not receive NOA's

## **Agenda Item D5: Transition Services**

### **What is this item about?**

This item is about changes to state law that impact certain services for some regional clients aged 18 to 22.

### **Background:**

When the state budget was passed, a “trailer bill”, Assembly Bill 104, was also passed that made changes affecting regional centers and individuals receiving services from regional centers. The changes in AB 104 were reviewed in a powerpoint presentation at the June, 2011 Area Board meeting. For this meeting, the focus is on the change impacting youth aged 18 to 22 and issues that have arisen. When AB 104 was signed into law, section 4648.5 was added to the Lanterman Act.

### **Comment:**

Area Board should make recommendations on policy for NBRC

NBRC should develop policy approved by DDS to guide its interpretation and implementation of the changes under the law.

NBRC, county offices of education, SELPA's, school districts, the Department of Rehabilitation, and service providers and area board should meet, and possibly form a task force, to discuss the changes to the law and their mutual responsibilities to transition-aged youth.

This is the section added by AB 104.

*"4648.55. (a) A regional center shall not purchase day program, vocational education, work services, independent living program, or mobility training and related transportation services for a consumer who is 18 to 22 years of age, inclusive, if that consumer is eligible for special education and related education services and has not received a diploma or certificate of completion, unless the individual program plan (IPP) planning team determines that the consumer's needs cannot be met in the educational system or grants an exemption pursuant to subdivision (d). If the planning team determines that generic services can meet the consumer's day, vocational education, work services, independent living, or mobility training and related transportation needs, the regional center shall assist the consumer in accessing those services. To ensure that consumers receive appropriate educational services and an effective transition from services provided by educational agencies to services provided by regional centers, the regional center service coordinator, at the request of the consumer or, where appropriate, the consumer's parent, legal guardian, or conservator, may attend the individualized education program (IEP) planning team meeting.*

*(b) For consumers who are 18 to 22 years of age, inclusive, who have left the public school system, and who are receiving regional center purchased services identified in subdivision (a) on or before the effective date of this section, a determination shall be made through the IPP as to whether the return to the educational system can be achieved while meeting the consumer's needs. If the planning team determines that the consumer's needs cannot be met in the educational system, the regional center may continue to purchase the services identified in subdivision (a). If the planning team determines that generic services can meet the consumer's day, vocational education, work services, independent living, or mobility training and related transportation needs, the regional center shall assist the consumer in accessing those services.*

*(c) For consumers who are 18 to 22 years of age, inclusive, who have left school prior to enactment of this section, but who are not receiving any of the regional center purchased services identified in subdivision (a), the regional center shall use generic education services to meet the consumer's day, vocational education, work services, independent living, or mobility training and related transportation needs if those needs are*



*subsequently identified in the IPP unless the consumer is eligible for an exemption as set forth in subdivision*

*(d). If the planning team determines that generic services can meet the consumer's day, vocational education, work services, independent living, or mobility training and related transportation needs, the regional center shall assist the consumer in accessing those services.*

*(d) An exemption to the provisions of this section may be granted on an individual basis in extraordinary circumstances to permit purchase of a service identified in subdivision (a). An exemption shall be granted through the IPP process and shall be based on a determination that the generic service is not appropriate to meet the consumer's need. The consumer shall be informed of the exemption and the process for obtaining an exemption.*

*(e) A school district may contract with regional center vendors to meet the needs of consumers pursuant to this section."*

## **Agenda Item E: Early Start Program**

### **What is this item about?**

Michael Jereb, Early Start Supervisor at NBRC, will give a presentation on NBRC's Early Start Program, followed by questions and discussion.

### **Background:**

It was brought to our attention that some families in Solano County are not receiving respite or day care they requested for their infants and toddlers. Staff met with Mr. Jereb to learn about the Early Start Program and changes brought about through the state budget cuts. Mr. Jereb graciously offered to speak to the Board.

### **What needs to be done at the Board meeting?**

Listen, ask questions, discuss....

### **What does staff recommend?**

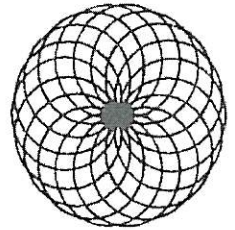
No recommendation t this time.

### **Are there attachments?**

Yes.

# NORTH BAY REGIONAL CENTER

10 Executive Ct. • P.O. Box 3360 • Napa, CA 94558 • (707) 256-1100  
TTY • (707) 252-0213



Bob Hamilton  
Executive Director

September 10, 2009

Dear Early Start Families:

You may have already received information on the impact the State of California budget may have on the services that you or your family member receives from North Bay Regional Center (NBRC). The purpose of this letter is to inform you of these changes.

The following changes to the Early Start statutes went into effect July 28, 2009:

1. Early Start Eligibility:

To be eligible for the Early Start Program, infants and toddlers ages 24-36 months on the date of the initial referral must demonstrate a 50% delay in one area or a 33% delay in two areas of development.

2. Early Start Use of Private Insurance:

Families are required to use their private insurance or health care service plan for medical services identified in the IFSP (Individual Family Service Plan). Speech, physical and occupational therapies are included under "medical services." Evaluations and assessments will continue to be funded by NBRC.

The following statutory changes will go into effect on October 1, 2009:

1. Prevention Program:

The new California Prevention Program will go into effect on October 1, 2009. This new program is for at-risk babies who are not eligible for the Early Start Program and are at high risk for a developmental disability. Toddlers, ages 24-36 months of age on the date of the initial referral and who demonstrate a 33-49% delay, are also eligible for the Prevention Program. The program will give eligible infants and toddlers between birth and 36 months the opportunity to receive intake, assessment, and case management services as well as assistance with referrals to generic resources through the regional center system. If the infant or toddler, who is being served in the Prevention Program, begins to show a significant developmental delay, then they can be assessed for eligibility for the Early Start Program at that time.

2. Required Early Intervention Services and Eliminating Non-Required Services:

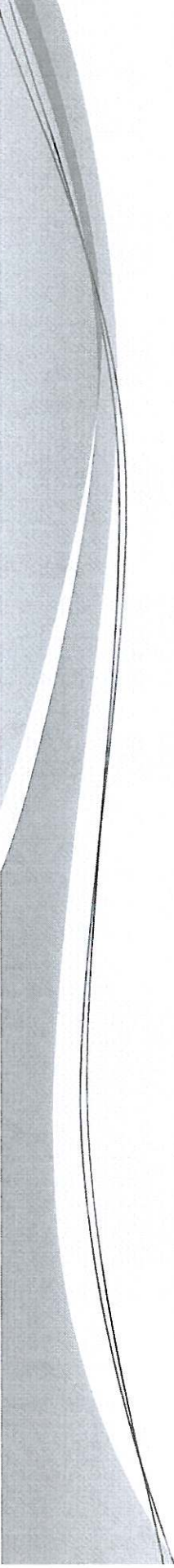
Effective 10/1/09, NBRC will no longer fund services that are not federally mandated, with the exception of durable medical equipment. Such services that are not federally mandated (non-required services) include respite that is used for relief from the care and supervision of a child with special needs, day care, and social-recreational programs.

Please contact your NBRC Early Intervention Specialist (EIS) if you have any questions.

Sincerely,

Bob Hamilton  
Executive Director





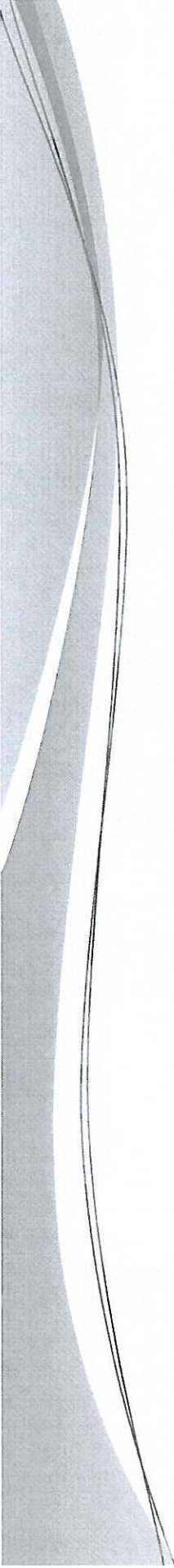
# Changes to Early Start Services

- Eligibility is restricted
- “High risk” infants and toddlers will no longer be eligible for Early Start
  - Will be eligible for a new state-funded program
  - Limited to case management and information & referral to other agencies
- Appeal Strategies: No basis for appeal unless child can qualify in another category, e.g., has an “established risk condition”



# Changes to Early Start Services

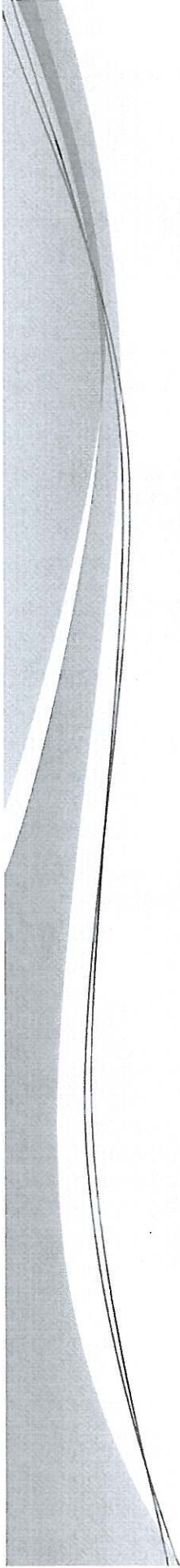
- To qualify for Early Start services under the category of having a developmental delay:
  - If the child is under 24 months, the delay must be at least 33% in one developmental area
  - If the child is over 24 months, the delay must be 50% in one developmental area or 33% in two areas
- Appeal Strategies: Ensure thorough and accurate assessments to document nature and extent of delays



# Changes to Early Start Services

- Regional centers will no longer fund services that are not required by the federal government
  - Day care
  - Respite
  - Other family support services
  - Most medical services, except for durable medical equipment
- Appeal Strategies: None under Early Start Program
  - Can access these services if child is qualified as eligible for services under state Lanterman Act





# Changes to Early Start Services

- Priority will be given to funding integrated neighborhood preschools rather than specialized infant development programs established for children with special needs
- Appeal Strategies: Must be able to document that child's needs can only be met by utilizing an infant development program